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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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October 2, 2000

BY HAND

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: Petition for Rulemaking
McKinleyville, California

Dear Ms. Salas:

Enclosed herewith, on behalf of Four Rivers Broadcasting, Inc., are an original and four copies of its Petition for Rulemaking, requesting the Commission to amend the FM Table of Allotments to allot Channel 236C3 to McKinleyville, California, as that community's first local aural transmission service.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Alison J. Shapiro
Counsel for Four Rivers Broadcasting, Inc.

Enclosure

cc: Mr. John A. Karousos, FCC (w/encl.)

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
Amendment of Section 73.202(b))	
Table of Allotments,)	MM Docket No. _____
FM Broadcast Stations.)	RM No. _____
(McKinleyville, California))	

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Four Rivers Broadcasting, Inc. ("Four Rivers"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby respectfully requests that the Commission institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to add Channel 236C3 to McKinleyville, California, as that community's first local aural transmission service. Thus, Four Rivers proposes to amend Section 73.202(b) of the Commission's rules as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
McKinleyville, California	-----	236C3

In support of this request, the following is stated:

McKinleyville, which is a Census Designated Place ("CDP"), had a 1990 U.S. Census population of 10,749.¹ Structured politically as a "community services district," McKinleyville functions as an unincorporated, independent, special district. It is governed by a five member

¹ Source: *Rand McNally Commercial Atlas & Marketing Guide* (130th ed.) (1999).

Board of Directors elected by McKinleyville's voters. The directives of the Board are implemented by the District's thirteen full time and thirty-four part-time employees. The community's boundary encompasses 12,140 acres ranging from North Bank Road on the south to Patrick's Creek on the north. McKinleyville is 14 miles north of Eureka at the mouth of the Mad River. Today, McKinleyville is the fastest growing town in Humboldt County. In the ten years between 1980 and 1990, the population of McKinleyville grew at a rate of 38.3%. Growth between 1990 and the present has been substantially greater. The approximate 1994 population was 12,250 people.²

McKinleyville has its own chamber of commerce, public library, police substation, airport, sewer department, water department, fire department substation, senior citizen center, and post office. The McKinleyville Chamber of Commerce lists over 125 business organizations within the community. See Exhibit 1. These include three banks, two grocery stores, one car dealership, three electric companies, six insurance companies, eleven realty companies, a hardware store, two lumber companies, a cheese factory, several car rental agencies, a golf course, three hotels/motels, one travel agency, two glass companies, and many restaurants. The community also has nine churches, three dentists, two animal care centers/hospitals, one optometry center, one chiropractic center, one physician practice health care center, one family practice doctor, one funeral home, one law firm, and two accountants.

² Unless otherwise indicated, all of the information contained herein regarding the community of McKinleyville has been obtained from the McKinleyville Chamber of Commerce via its Website at www.mckinleyville.net and the Humboldt County Local Agency Formation Commission via its Website at www.northcoast.com/~mckcofc/incor.htm. Copies of the back-up information are attached hereto for reference.

Some of these have explicit association by name with McKinleyville, including, for example, McKinleyville Children's Center, McKinleyville Glass Company, McKinleyville Ace Hardware, McKinleyville Office Supply and Business Center, and McKinleyville Optometric. Public transportation is provided by Humboldt Transit Authority (HTA) and is jointly funded by Humboldt County and several cities.

There are two elementary schools in the McKinleyville Elementary School District -- Morris School and Dow's Prairie School. See Exhibit 2. There is one middle school, McKinleyville Middle School, and one high school, McKinleyville High School. See Exhibit 2. These schools provides a full instructional program for children in grades Kindergarden through 12 and are fully accredited by the State of California Department of Education.

McKinleyville is home to the Cypress Grove Chevre Cheese factory, which produces goat cheese of international renown. In addition, Azalea State Reserve at McKinleyville is a popular destination for visitors. Two loop trails lead through the reserve to several scenic overlooks. There are two picnic areas located beside the parking lot. There is also an eighteen-hole golf course called Beau Pre which attracts many visitors.

Another attraction of McKinleyville is Clam Beach County Park. The park offers camping, hiking and riding trails, fishing and beachcombing. The beach within the park affords long views of the Humboldt County coastline.

As demonstrated in the attached Engineering Statement, the reference coordinates for the proposed channel at McKinleyville meet the minimum distance separation requirements with respect to all known licenses, construction permits, pending applications, and pending rulemaking proceedings. The McKinleyville allotment reference site complies with the

minimum spacing requirements contained in Section 73.207 of the Commission's rules.

As stated above, the addition of Channel 236C3 will provide McKinleyville with its first local aural transmission service. Currently, there are no other commercial or noncommercial stations licensed to McKinleyville. Thus, the addition of this allotment at McKinleyville will promote the objectives of Section 307(b) of the Communications Act by seeking to achieve a fair, efficient and equitable distribution of broadcast stations among the various states and communities -- it will provide McKinleyville with its first broadcast service. 47 U.S.C. § 307(b).

The FM Table of Allotments was created to allow the Commission to meet its obligation under Section 307(b) and the allotment priorities developed in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982). These were intended to promote the statutory goals underlying Section 307(b). The main objective of the 1982 revision was to provide service of satisfactory signal strength to the whole country, while providing as many program choices to as many listeners as possible and providing service of local origin to as many communities as possible. To these ends, the Commission set forth the following as priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service, and; (4) other public interest matters (priorities 2 and 3 were given co-equal weight). Thus, the allotment of a first full-time local aural transmission service to McKinleyville would satisfy the core objectives of Section 307(b), and it also meets the Commission's third allotment priority.


In the event that this petition requesting the allotment of Channel 236C3 at McKinleyville, California is granted, Four Rivers will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Four Rivers Broadcasting, Inc., respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the FM Table of Allotment, and ALLOT Channel 236C3 to McKinleyville, California, as that community's first full-time local aural transmission service.

Respectfully submitted,

FOUR RIVERS BROADCASTING, INC.

By:

A handwritten signature in black ink, appearing to be "H. Weiss", written over a horizontal line.

Howard M. Weiss
Alison J. Shapiro

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
(703)812-0400

October 2, 2000

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
FOUR RIVERS BROADCASTING, INC.
ALLOT CHANNEL 236C3
MCKINLEYVILLE, CALIFORNIA
September 2000

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
FOUR RIVERS BROADCASTING, INC.
ALLOT CHANNEL 236C3
MCKINLEYVILLE, CALIFORNIA
September 2000

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Four Rivers Broadcasting, Inc. ("FRB"). FRB herein requests the allotment Channel 236C3 to McKinleyville, California. The allotment will provide McKinleyville with its first local transmission service.

Discussion

2. FRB requests the Commission amend §73.202 of its rules by allocating Channel 236C3 to McKinleyville, California. The community of McKinleyville is located in the northwest portion of Humboldt County, California. McKinleyville is listed in the 1990 U.S. Census as a Census Designated Place with a population of 10,749 persons. Water and sewer services are provided to McKinleyville by the McKinleyville Community Services District. McKinleyville also has numerous businesses and churches. McKinleyville is not located near any Urbanized Area, as defined in the 1990 Census.

Request

3. Channel 236C3 can be allotted to McKinleyville, California, without the imposition of a site restriction at reference coordinates North Latitude 40° 57' 16" and West Longitude 124° 6' 51".¹ As shown on Exhibit #1, Channel 236C3 meets the Commission's minimum distance

1) The proposed allocation site is shortspaced to the allocation site for Channel 237B, Fort Bragg, California. However, there is an outstanding construction permit for station KOZT, Channel 237B, Fort Bragg, California, which is fully spaced to the proposed McKinleyville allocation. Therefore, the Fort Bragg allocation site is not considered an impediment to this instant proposal.

separation requirements to all licensed, applied for or proposed facilities.² Exhibit #2 is a usable area map denoting the area in which to locate a transmitter site for Channel 236C3 at McKinleyville. From the proposed reference site, a 3.16 mV/m contour will be delivered to McKinleyville.

4. Therefore, FRB requests the following amendment to §73.202 of the Commission's rules:

McKinleyville, California

<u>Present</u>	<u>Proposed</u>
None	236C3

5. The allotment of Channel 236C3 to McKinleyville will provide first local service to the community. A maximum Class C3 operating from the proposed reference site will deliver 60 dBu service to 87,858 persons in 4,798.0 square kilometers. When Channel 236C3 is allotted to McKinleyville, FRB will submit to the FCC the necessary application stating its intention to construct a new FM station on Channel 236C3 at McKinleyville.

6. The foregoing technical statement was prepared on behalf of Four Rivers Broadcasting, Inc., by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. All data related to FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in the database which may adversely affect the requests contained herein.

2) See Footnote 2 supra.

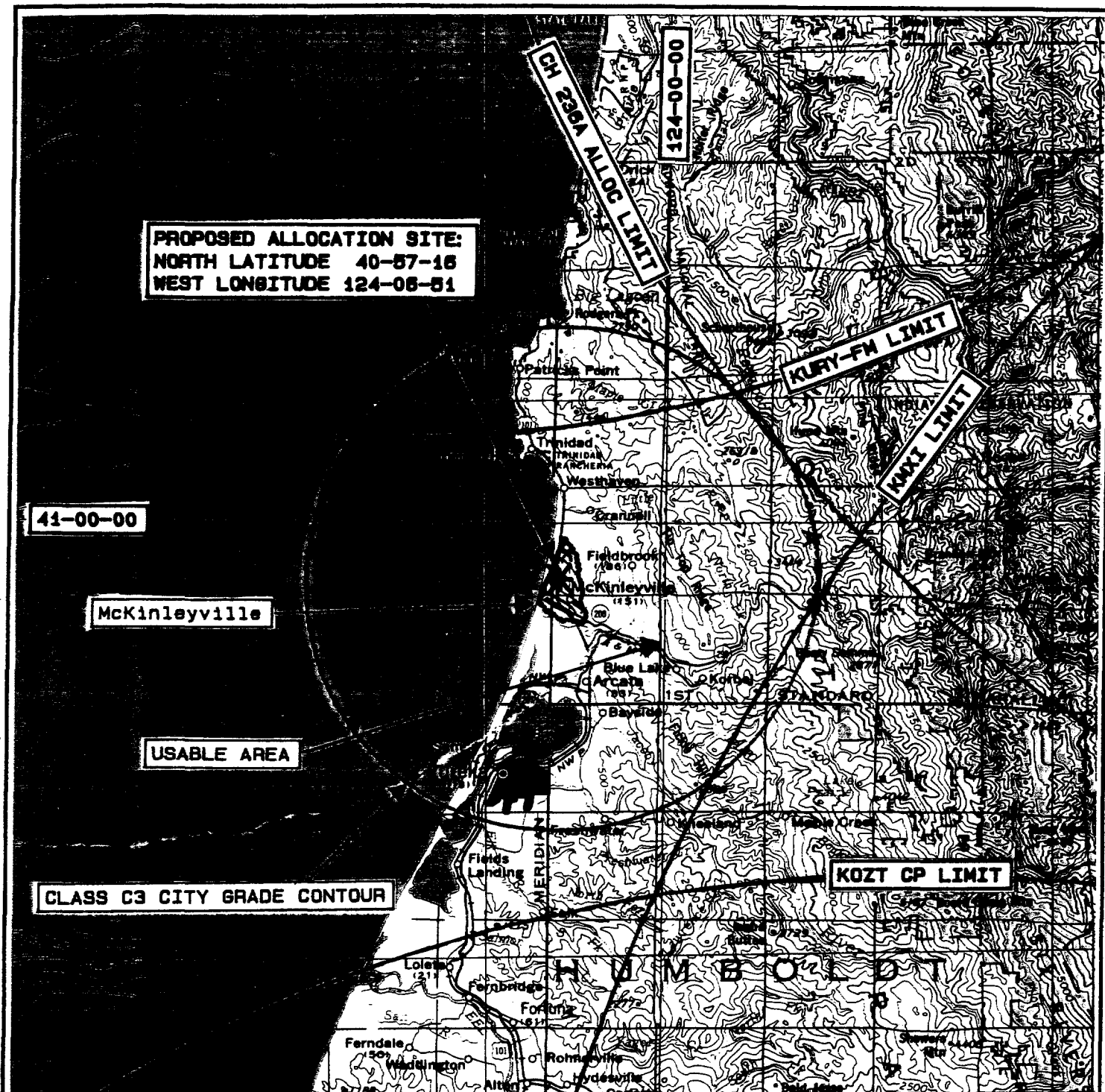
**PETITION FOR RULE MAKING
FOUR RIVERS BROADCASTING, INC.
ALLOT CHANNEL 236C3
MCKINLEYVILLE, CALIFORNIA
September 2000**

EXHIBIT #1

ALLOCATION STUDY FOR MCKINLEYVILLE, CALIFORNIA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		CLASS C3	DISPLAY DATES
40 57 16 N			DATA 09-21-00
124 06 51 W	Current rules spacings		SEARCH 09-26-00
----- CHANNEL 236 - 95.1 MHZ -----			

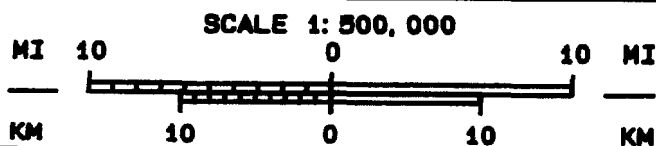
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ADD	236C3	McKinleyville	CA	0.0	0.0	153.0	-153.00
ADD	41 53 06	122 35 03	0.000 kW	0M	0.0	95.1	
> PRM - Four Rivers Broadcasting, Inc.							
KURYFM	237C2	Brookings	OR	353.3	130.70	117.0	13.70
LIC CN	42 07 23	124 17 56	8.700 kW	355M	81.2	72.7	
KURY Radio, Inc. BLH-19940124KA							
KMXI	236B	Chico	CA	118.2	231.82	211.0	20.82
LIC CN	39 56 46	121 43 17	8.700 kW	357M	144.1	131.1	
McCoy B/casting Co. BLH-19840306DD							
RADD	236A	Hornbrook	CA	50.5	164.44	142.0	22.44
ADD	41 53 06	122 35 03	0.000 kW	0M	102.2	88.3	
RM-9861							
KOZT.C	237B	Fort Bragg	CA	169.3	174.88	145.0	29.88
CP CN	39 24 24	123 44 04	35.000 kW	157M	108.7	90.1	
California Radio Partners BPH-19991012AAJ							
KOZT	237B1	Fort Bragg	CA	169.3	174.88	114.0	60.88
LIC CN	39 24 24	123 44 04	13.000 kW	141M	108.7	70.8	
California Radio Partners BLH-19940808KH							
KEWB	234C2	Anderson	CA	103.6	138.21	56.0	82.21
LIC CN	40 39 06	122 31 32	4.200 kW	477M	85.9	34.8	
McCarthy Wireless, Inc. BLH-19910918KA							
KALF	239B	Red Bluff	CA	132.9	168.20	71.0	97.20
LIC CN	39 55 02	122 40 10	7.000 kW	386M	104.5	44.1	
Regent Licensee Of Chico, Inc. BLH-19950405KD							
KOOS.C	235C1	North Bend	OR	356.5	250.46	144.0	106.46
CP CN	43 12 18	124 18 07	89.000 kW	191M	155.7	89.5	
New Northwest Broadcasters II BPH-20000626AFD							
KBOYFM	239C1	Medford	OR	27.4	188.32	76.0	112.32
LIC CN	42 27 11	123 03 21	60.000 kW	299M	117.0	47.2	
Marathon Media Group, L.L.C. BLH-19900810KB							



USABLE AREA MAP FOR CH 236C3

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE STATE MAP OF CALIFORNIA

EXHIBIT #2
PETITION FOR RULE MAKING
FOUR RIVERS
BROADCASTING, INC.
ALLOT CHANNEL 236C3
MCKINLEYVILLE, CALIFORNIA
September 2000



GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

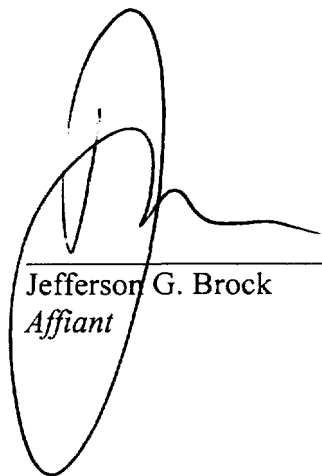
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Four Rivers Broadcasting, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 26th day of September, 2000.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 26th day of September, 2000.*



Notary Public, State of Georgia
My Commission Expires: April 20, 2002